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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/622,638	07/21/2003	Warren Gregory Tobin	USA-P1292	4576

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EXAMINER	
GAUTHIER, GERALD	

ART UNIT	PAPER NUMBER
2614	

DATE MAILED: 10/24/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/622,638	TOBIN, WARREN GREGORY	
	Examiner	Art Unit	
	Gerald Gauthier	2614	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *28 July 2006*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-10* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-10* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☒ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

2. Claim(s) 1 and 10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites the limitation "the target address(es)" in lines 5 and 6, "the respective target address(es)" in line 10, "the telephone concerned" in line 16 and "the holder of the telephone" in line 18. There is insufficient antecedent basis for these limitations in the claim.

Claim 10 recites the limitation "the target address(es)" in line 4, "the identity of the target address(es)" in line 5, "the respective target address(es)" in line 11, "the telephone concerned" in line 17 and "the holder of the telephone" in lines 19 and 20. There is insufficient antecedent basis for these limitations in the claim.

Claim(s) 2-9 are rejected for being dependent of rejected claims.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

5. **Claim(s) 1-10** are rejected under 35 U.S.C. 103(a) as being unpatentable over Leijonhufvud (US 2004/0076282 A1) in view of Ingrassia Jr. et al. (US 6,421,068 B1).

Regarding **claim(s) 1**, Leijonhufvud discloses a method of effecting communications (paragraph 0019), comprising the steps of:

a) taking text message calls wherein such calls are made by way of telephones (paragraph 0019) [The customer by means of a mobile phone 7 calls the control device 5 or send a short message service message];

b) determining the target addresses of the calls from information contained in the calls, the identity of the target addresses in each case being recorded in the text centre

means against a telephone call centre or telephone call centers (paragraph 0019) [The customer and there register a queue number and a telephone number],

c) sending the text message calls to the call centre or call centers corresponding to the respective target addresses (paragraph 0019) [The telephone number is registered by automatic number identification, such as by a caller identifier, such that the system will not be abused by the customer stating an incorrect telephone number],

d) receiving the text message calls as appropriate (paragraph 0019) [The queue number is registered by DTMF signaling],

e) for each processing each of the text message calls received there such that a future return call time is assigned to each of the text message calls (paragraph 0020) [The call to the registered telephone number is carried out a predetermined time, e.g. three minutes], for each text message call automatically forward a return text message call containing details as to when a return telephonic voice call will be made from the call centre to the holder of the telephone (paragraph 0022) [The message to the customer may be "Welcome to the post office, we estimate to be able to serve you in about five minutes." by a text message, such as an SMS or an e-mail] and

f) in substantially each case concerned making the respective return telephonic voice call at the time indicated (paragraph 0020) [The control device calls a registered telephone number shortly before a surveyed queue number is to be served].

Leijonhufvud fails to disclose a call centre.

However, Ingrassia teaches a call centre (column 3, lines 24-29) [The workstation 107 contains a call center session control 109, call center text box controls 102].

Therefore, it would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify the invention of Leijonhufvud using the teaching of a call center software as taught by Ingrassia.

This modification of the invention enables the system to have a call centre so that the user would improve the efficiency of the application development and maintenance.

Regarding **claim(s) 2**, Leijonhufvud discloses a method of effecting communications, wherein at step e) the return text message calls are sent to the telephones from the call centre(s) by way of the text centre means (paragraph 0022).

Regarding **claim(s) 3**, Leijonhufvud discloses a method of effecting communications, wherein at step e) the return text message calls are sent to the telephones from the call centre(s) by way of the text centre means, and wherein the telephones are mobile phones (FIG. 1 and paragraph 0019).

Regarding **claim(s) 4**, Leijonhufvud discloses a method of effecting communications, wherein at step e) the return text message calls are sent to the telephones from the call centre(s) by way of the text centre means, and wherein the telephones are mobile phones, and wherein when the text messages are received at

the text centre means such messages are routed to a server of the text centre means, which then directs the text messages to the call centre or centers as at step "c" (paragraph 0036).

Regarding **claim(s) 5**, Leijonhufvud discloses a method of effecting communications, wherein at step e) the return text message calls are sent to the telephones from the call centre(s) by way of the text centre means, and wherein the telephones are mobile phones, and wherein when the text messages calls are received at the text centre means such messages are routed to a server of the text centre means, which then directs the text messages calls to the call centre or centers as at step "c" and wherein the text centre in each case generates a call list listing the telephone numbers of the telephones, the call list being used by a worker at the call centre concerned in making the return telephonic voice call as at step "f" (paragraphs 0025 and 0026).

Regarding **claim(s) 6**, Leijonhufvud discloses a method of effecting communications, wherein at step e) the return text message calls are sent to the telephones from the call centre(s) by way of the text centre means, and wherein the telephones are mobile phones, and wherein when the text messages calls are received at the text centre means such messages are routed to a server of the text centre means, which then directs the text messages calls to the call centre or centers as at step "c" and wherein the text centre in each case generates a call list listing the

telephone numbers of the telephones, the call list being used by a worker at the call centre concerned in making the return telephonic voice call as at step "f", and wherein the call list is at least in part generated from information gained by way of automatic caller id technology (paragraph 0028).

Regarding **claim(s) 7**, Leijonhufvud discloses a method of effecting communications, wherein at step e) the return text message calls are sent to the telephones from the call centre(s) by way of the text centre means, and wherein the telephones are mobile phones, and wherein when the text messages calls are received at the text centre means such messages are routed to a server of the text centre means, which then directs the text messages calls to the call centre or centers as at step "c" and wherein the text centre in each case generates a call list listing the telephone numbers of the telephones, the call list being used by a worker at the call centre concerned in making the return telephonic voice call as at step "f", and wherein the call list is at least in part generated from information gained by way of automatic caller id technology, and wherein the text centre means queues the text message calls made by way of the telephones (paragraph 0025).

Regarding **claim(s) 8**, Leijonhufvud discloses a method of effecting communications, wherein at step e) the return text message calls are sent to the telephones from the call centre(s) by way of the text centre means, and wherein the telephones are mobile phones, and wherein when the text messages calls are received

at the text centre means such messages are routed to a server of the text centre means, which then directs the text messages calls to the call centre or centers as at step "c" and wherein the text centre in each case generates a call list listing the telephone numbers of the telephones, the call list being used by a worker at the call centre concerned in making the return telephonic voice call as at step "f", and wherein the call list is at least in part generated from information gained by way of automatic caller id technology, and wherein the text centre means queues the text message calls made by way of the telephones, and wherein at step c) the text message calls are sent to the call centre or call centers in a queued form (paragraph 0025).

Regarding **claim(s) 9**, Leijonhufvud discloses a method of effecting communications, wherein at step e) the return text message calls are sent to the telephones from the call centre(s) by way of the text centre means, and wherein the telephones are mobile phones, and wherein when the text messages calls are received at the text centre means such messages are routed to a server of the text centre means, which then directs the text messages to the call centre or centers as at step "c" and wherein the text centre in each case generates a call list listing the telephone numbers of the telephones, the call list being used by a worker at the call centre concerned in making the return telephonic voice call as at step "f ", and wherein the call list is at least in part generated from information gained by way of automatic caller id technology, and wherein the text centre means queues the text message calls made by

way of the telephones, and wherein the call centre or call centers can inspect details of the queue at the text centre means online (paragraph 0026).

Regarding **claim(s) 10**, Leijonhufvud discloses a method of effecting communications (paragraph 0019), comprising the steps of:

a) taking text message calls wherein such calls are made by way of telephones (paragraph 0019) [The customer by means of a mobile phone 7 calls the control device 5 or send a short message service message],

b) determining the target addresses of the calls from information contained in the calls, the identity of the target addresses in each case being recorded (paragraph 0019) [The customer and there register a queue number and a telephone number],

c) sending the text message calls corresponding to the respective target addresses [The telephone number is registered by automatic number identification, such as by a caller identifier, such that the system will not be abused by the customer stating an incorrect telephone number],

d) receiving the text message calls as appropriate (paragraph 0019) [The queue number is registered by DTMF signaling],

e) for each call centre processing each of the text message calls received there such that a future return call time is assigned to each of the text message calls (paragraph 0020) [The call to the registered telephone number is carried out a predetermined time, e.g. three minutes], for each text message call

automatically forwarding a return text message call to the telephone concerned, the return text message call containing details as to when a return telephonic voice call will be made from the call centre to the holder of the telephone (paragraph 0022) [The message to the customer may be "Welcome to the post office, we estimate to be able to serve you in about five minutes." by a text message, such as an SMS or an e-mail], and

f) in substantially each case a person concerned individually making the respective return telephonic voice call at the time indicated (paragraph 0020) [The control device calls a registered telephone number shortly before a surveyed queue number is to be served].

Leijonhufvud fails to disclose a call centre.

However, Ingrassia teaches the text centre means against a telephone call centre or telephone call centres, the call centre or call centres incorporating a team of people ready and able to field voice inquiries from human callers by way of telephone (column 3, lines 24-47) [A group of users to share a fixed set of communication lines connected to the outside world, a building with 1000 telephones may share 200 outside lines from a telephone central office, a typical call center may have many agents with each of them using one or more telephones to communicate with each other].

Therefore, it would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify the invention of Leijonhufvud using the teaching of a call center software as taught by Ingrassia.

This modification of the invention enables the system to have a call centre so that the user would improve the efficiency of the application development and maintenance.

Response to Arguments

6. Applicant's arguments with respect to **claim(s) 1-9** have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gerald Gauthier whose telephone number is (571) 272-7539. The examiner can normally be reached on 8:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on (571) 272-7547. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

GERALD GAUTHIER
PATENT EXAMINER

GG
October 20, 2006

Gerald Gauthier
Primary Examiner
Art Unit 2614